Unauthorised absence of IDPL employees

2259. SHRIMATI SARALA MAHESWARI:

SHRI M. A. BABY:

SHRI ARANGIL SREEDHARAN:

Will the PRIME MINISER be pleased to refer to the answer to Unstarred Question No. 1119 given in the Rajya Sabha on the 7th May, 1992 and state:

(a) whether unauthorised absence from duty can be proceeded against under rule 5(7) of CDA rules of IDPL if the period exceeds four days as it constitutes misconduct;

(b) whether Rule 30-A of the IDPL CDA Rules was introduced to take action against employees on unauthorised absence for over 30 days with effect from 30th March, 1990;

(c) whether Government's attention has been drawn to the following orders of thi Supreme Court prohibiting termination of service under the Rule 30-A to a date prior to its introduction: "Amended Regulation could not operate retrospectively but only from the date of Amendment", in the civl appeal No. 3154 and 3155 of 1985;

(d) whether Government would indicate cases in which charge sheets were not framed within a week of the detection of unauthorised absence for over four days alongwith the reasons in each case; and

(e) what action Government propose to take against the management of the IDPL for failure to take action under Rule 5(7)?

THE MINISTER OF STATE IN THE MINISTRY OF CHEMICALS AND FERTILIZERS (SHRI CHINTA MOHAN): (a) Rule 5 of IDPL Conduct, Discipline and Appeal Rules, 1978 stipulates a list of misconduct for which an employee would be liable to disciplinary action. The list is illustrative and not conclusive. Unauthorised absence is one of such misconduct which will render an employee liable to disciplinary action.

(b) Rule 30-A, which was introduced by the IDPL Management w.e.f. 30th March, 1990, is a special procedure for certain categories of cases and this rule can be invoked in specified circumstances, namely (i) when a post is held by an employee is abolished; (ii) an employee is declared unfit on medical grounds for the service of the company; and (iii) an empoyee remains on unauthorised absence for 30 days or more.

(c) The operation of the Rule, as reported by IDPL, has been made only prospectively and not retrospectively.

(d) and (e) In respect of matters relating to service conditions of employee an Undertaking, the authority competent is the Board of Directors and Government normally does not interfere in such internal matters of management and discipline. As reported by IDPL, disciplinary proceedings are initiated within reasonable time depending upon the circumstances, reasons for unauthorised absence and the attendant facts. IDPL is a multi-unit company with five manufacturing plants and 18 Regional Offices in the Marketing Division and, therefore, the process of communication takes some time. Charge-sheet cannot be issued automatically or mechanically as application of the mind of the disciplinary authority in considering entire facts is a conditon precedent to such dsciplinary actions. Except in some stray cases where the delay might have been as a result of protracted correspondence with the delinquent officers, the charge-sheet is normally issued within a reasonable time after a decision is taken by the respective disciplinary authority.

Present postion of M/s. Carews case

2260. SHRIMATI RATAN KUMARI: Will the PRIME MINISTER be pleased to refer to the answer to Unstarred Question 375 given in Rajya Sabha on the 30th April, 1992 and state:

(a) what steps have been taken to set the interim stay granted to M/s. Carews vacated by filing a counter affidavit in reply; and

(b) when was the counter affidavit filed and what is the present position of the case?

THE MINISTER OF STATE IN THE MINISTRY OF CHEMICALS AND FERTILIZERS (SHRI CHINTA MOHAN): (a) and (b) The counter affidavit was filed in February, 1992. The subject matter is presently pending in the Calcutta High Court.

Government's decision on appeals under IDPL CDA Rules

2261. SHRIMATI KAMLA SINHA: Will the PRIME MINISTER be pleased to refer to the answer to Unstarred Question 1119 given in the Rajya Sabha on 7th May, 1992 and state:

(a) whether there is no appeal against the order passed under Rule 30-A of the IDPL Conduct, Discipline and Appeal Rules, 1978;

(b) whether Rule 33 *ibid* provides for review of the order passed under Rule 30-A; and

(c) if so, the reasons for providing review of the order passed under Rule 30-A and not for appeal against the said order?

THE MINISTER OF STATE IN THE MINISTRY OF CHEMICALS AND FERTILIZERS (SHRI CHINTA MOHAN): (a) Yes, Madam.

(b) The provision under Rule 33 of the said Rules is omnibus and confers over-riding powers for a review of any order passed under the IDPL Conduct. Discipline and Appeal Rules, 1978.

(b) Rule 30-A is a special procedure for certain categories of cases and this rule can be invoked in specified circumstances namely, (i) when a post is held by an employee is abolished; (ii) an employee is declared unfit on medical grounds for the service of the company and (iii) an employee remains on unauthorised absence for 30 days or more. The rule provides an opportunity to the employee to explain his conduct and decision is taken at the highest level in the undertaking after scrutiny of each such case by a Screening Committee and for reasons to be recorded in writing. Therefore, no separate provision for an appeal against an order passed under Rule 30-A has been made.

Procedure against unauthorised absence of IDPL employees

2262. SHRI MD. SALIM: Will the PRIME MINISTER be pleased to refer to the answer to Unstarred Question 1148 given in the Rajya Sabha on 7th May, 1992 and state:

(a) whether proceedings are started promptly in IDPL for unauthorised absence exceeding four days as provided for in Rule 5(7) thereof;

(b) whether there are cases in which this lingered on for over one year or more for a charge sheet to be finally issued,

(c) whether simultaneously proceedings were initiated under Rule 30-A requiring termination of services after 30 days absence;

(d) whether during this period the leave applied for was refused and the employees were not suspended and left without any means of subsistence;

(e) whether this is an unfair practice; and

(f) what action Government propose to take to rectify the wrong done to the employees ?

THE MINISTER OF STATE IN THE MINISTRY OF CHEMICALS AND FERTILIZERS (SHRI CHINTA MOHAN): (a) to (c) Rule 5 of the IDPL Conduct, Discipline & Appeal Rules, 1978 lists the type of misconduct for which an employee is liable to disciplinary action. The list is illustrative and not conclusive. Unauthorised absence for more than four days is a misconduct within the meaning of Rule 5 of the said Rules. As reported by IDPL, disciplinary proceedings are initiated within reasonable time depending upon the circumstances, the reasons for unauthorised absence and